IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL SAUERS, Individually and : No. 3:16cv811

as Administrator of the ESTATE OF

CAROLA R. SAUERS, Deceased, : (Judge Munley)

Plaintiff :

:

V.

:

STEPHEN HOMANKO, BOROUGH OF: NESQUEHONING, and SEAN SMITH:

Defendants

.....

ORDER

AND NOW, to wit, this 3rd day of March 2017, it is hereby **ORDERED** that Defendants Borough of Nesquehoning and Sean Smith's motion to dismiss (Doc. 19) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- The motion is GRANTED with respect to Defendant Sean Smith, and Defendant Smith is DISMISSED from Counts I, V, and VI;
- 2. The motion is **GRANTED** with respect to the plaintiff's punitive damages claim; and
- 3. The motion is **DENIED** in all other respects.

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court